

UNITED STATES DISTRICT COURT

for the

United States District Court
Southern District of Texas
FILED

AUG 26 2015

Clerk of Court

United States of America
v.

Case No.

M-15-1460-M

SALDIVAR, Dominique / YOB:1994
United States Citizen

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 8/25/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 USC 841 (a) (1)

Knowingly and intentionally possess with
intent to distribute approximately 108.5
kilograms of marijuana, a Schedule I
Controlled Substance under the
Controlled Substance Act.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.

Approved by, David A. Lindemark
8/26/15

Sworn to before me and signed in my presence.

Date: 8/26/2015

City and state: McAllen, Texas

DeWayne Bailey

Complainant's signature

DeWayne Bailey, Special Agent, DEA

Printed name and title

Dorina Ramos

Judge's signature

Dorina Ramos, U.S. Magistrate Judge

Printed name and title

Attachment A

On August 25, 2015, the Weslaco Border Station received a call from United States Fish and Wildlife Law Enforcement Dispatch of an accident on Stewart Rd. and the levee road south of Alamo, Texas. The dispatcher stated that an employee observed a vehicle wreck into the Doffin canal. The dispatcher also advised that according to a U.S. Fish and Wildlife employee, one subject wearing a black shirt and shorts was observed exiting the wrecked vehicle; and running north towards Military Highway 281 on Stewart Rd.

Border Patrol Agent Eulogio Medrano, responded to the call at approximately 5:45 pm. Upon arriving at the scene of the accident, Agent Medrano observed a silver Jeep liberty partially submerged in the Doffin canal. The vehicle was abandoned and in it were several burlap sacks containing suspected narcotics in open view. Prior to locating the vehicle, Agent Medrano observed a male subject running north on Stewart Rd. towards Highway 281. Border Patrol Agent Adalberto Quintanilla arrived at the scene of the accident shortly after and also observed the subject running north on Stewart Rd. Agent Quintanilla dispatched to agents in the area of the subject and requested agents to conduct an interview of the subject.

Border Patrol Agent Juan J. Salazar and SBPA Richard Warwas responded and were able to locate the subject that was running north on Stewart Rd. Agent's Salazar and Warwas approached the subject and noticed he appeared to be exhausted and was dripping wet. The subject was later identified as Dominique Javier SALDIVAR a United States Citizen of Donna, Texas. When questioned where he was from and what he was doing in the area, SALDIVAR stated he was jogging to lose weight. He also said he was from Donna, Texas and a friend dropped him off in the area. Agent Warwas then left to go verify the description of the subject who was seen leaving the scene of the accident. Agent Salazar again asked SALDIVAR where he was from and what he was doing in the area. SALDIVAR then appeared to be nervous avoiding eye contact and was asked by Agent Salazar to be honest. SALDIVAR admitted to Agent Salazar the he was there to pick up marijuana for a friend and stated he was driving the jeep and lost control on the levee and crashed.

Agent Salazar concluded his conversation with SALDIVAR and read him his Miranda rights at 6:21 pm, and Border Patrol Agent Pagan served as a witness. SALDIVAR was also asked if he understood his rights and acknowledged by stating that he did. SALDIVAR was then transported to the Weslaco Border Patrol station by Agent Salazar. At the Station, SALDIVAR was screened for possible medical injuries resulting from the accident. He requested medical attention and was transported to Knapp Medical Center for evaluation.

A total of nine burlap sacks were retrieved from the Jeep Liberty and were transported to the Weslaco Border Patrol Station. Once at the Weslaco Station the contents were field tested and the results were positive for the characteristics of marijuana. The nine bundles totaled 108.54 kilograms.

On the same date at 11:15 p.m., DEA Special Agent DeWayne Bailey received a phone call from the Weslaco Border Patrol Station informing him that SALDIVAR was medically cleared from the Knapp Medical Center and was detained at the Weslaco Border Patrol Station. Agent Bailey and TFA Jaime A. Perez arrived at the Weslaco BP Station to conduct an investigative interview on SALDIVAR. On August 26, 2015 at 12:55 a.m., SALDIVAR was read his Miranda Warning in the English language by SA Bailey as witnessed by TFA Perez. At that time SALDIVAR stated he understood his rights and agreed to make statements.

SALDIVAR stated he resided in Donna, Texas with his sister. SALDIVAR's sister introduced him to an individual by the name of Chris LNU. Chris offered SALDIVAR \$750.00 to pick up a load of marijuana south of Alamo, Texas and to deliver it to an unknown address in Alamo. SALDIVAR accepted the offer and borrowed his sister's Jeep to conduct the delivery. Chris guided SALDIVAR by phone communication to the pickup site south of Alamo, Texas along the Rio Grande River. SALDIVAR stated when he arrived to the location several subjects, who he did not know, began to place bundles of marijuana inside the Jeep. SALDIVAR stated once the bundles were loaded he quickly accelerated north at a high rate of speed on a gravel road. SALDIVAR stated he had brake problems with the vehicle and lost control off the levee which caused him to wreck inside a canal. SALDIVAR contacted Chris and advised him of the wreck. Chris advised SALDIVAR to abscond from the area and hide. SALDIVAR stated he began to run north on a road toward Military Highway as he was approached by Border Patrol agents. SALDIVAR stated he confessed to Border Patrol Agents that he was the driver of the wrecked Jeep inside the canal. SALDIVAR was unable to provide any pertinent information regarding the Chris.

AUSA Linda Requeñez was advised of the facts in the case and accepted SALDIVAR's case for federal prosecution.